

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

RONALD TJ ENGLE,

Petitioner,

v.

STATE OF NEVADA, *et al.*,

Respondents.

Case No. 3:24-cv-00257-MMD-CSD

ORDER

Petitioner Ronald Engle, a *pro se* Nevada prisoner, commenced this habeas action by filing a petition for writ of habeas corpus. (ECF No. 5 (“Petition”).) Before the Court is Engle’s motion for leave to file a second amended petition. (ECF No. 15 (“Motion”).) Respondents filed a non-opposition to Engle’s Motion. (ECF No. 16.)

Following appointment of counsel, the Court issued a scheduling order instructing Engle to file a first amended petition no later than November 25, 2024. (ECF No. 12.) Engle, however, provides that he tentatively calculated that the federal statute of limitations under 28 U.S.C. § 2244(d) and the limitations period expired on September 3, 2024. (ECF No. 15 at 2.) As a result, Engle filed his first amended petition on September 3, 2024, as a protective petition and requests that the Court grant him leave to file a second amended petition so that he has a reasonable opportunity to file an amended petition that reflects his counsel’s thorough review, research, and investigation into this case. (ECF No. 13.) Engle further requests that the Court waive the requirement of LR 15-1(a), which generally requires a party to attach the proposed amended pleading to a motion seeking leave of court to amend, explaining that the rule is ill-suited for this situation.

The Court finds that there is good cause for Engle to file a second amended habeas petition, so the Court grants the Motion and waives the requirements of LR 15-1(a). This order does not, however, affect, in any manner, the operation of the statute of

1 limitations in this case, and the Court does not intend this order to convey any opinion
2 whatsoever about when the limitations period expires (or expired).

3 It is therefore ordered that Engle's motion for leave to file a second amended
4 petition for writ of habeas corpus (ECF No. 15) is granted. Engle has until December 20,
5 2024, to file his second amended habeas petition. In all other respects, the schedule for
6 further proceedings set forth in the order entered on August 27, 2024, will remain in effect.

7 DATED THIS 23rd Day of October 2024.

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10 MIRANDA M. DU
11 UNITED STATES DISTRICT JUDGE
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